



Rep. Jerry F. Costello, II

Filed: 4/8/2014

09800HB3833ham001

LRB098 15390 RPM 58465 a

1 AMENDMENT TO HOUSE BILL 3833

2 AMENDMENT NO. _____. Amend House Bill 3833 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Military Code of Illinois is amended by
5 changing Sections 14, 22, and 22-9 as follows:

6 (20 ILCS 1805/14) (from Ch. 129, par. 220.14)

7 Sec. 14. The Commander-in-Chief shall appoint from the
8 active officers of the Illinois National Guard, The Adjutant
9 General, Chief of Staff, with the grade of Major General. The
10 appointment of the Adjutant General shall be for a term
11 expiring on the 3rd Monday in January, 1971, and in each
12 odd-numbered year thereafter. The Adjutant General shall serve
13 as both the Director of the Department of Military Affairs and
14 as the Commander of the Illinois National Guard.

15 (Source: P.A. 76-931.)

1 (20 ILCS 1805/22) (from Ch. 129, par. 220.22)

2 Sec. 22. Adjutant General; duties. The Adjutant General
3 shall be charged with carrying out the policies of the
4 Commander-in-Chief and shall issue orders in his name. Orders
5 of the Adjutant General shall be considered as emanating from
6 the Commander-in-Chief.

7 (a) He shall be the immediate adviser of the
8 Commander-in-Chief on all matters relating to the militia and
9 shall be charged with the planning, development and execution
10 of the program of the military forces of the State. He shall be
11 responsible for the preparation and execution of plans, for
12 organizing, supplying, equipping and mobilizing the Organized
13 Militia, for use in the national defense, and for State
14 defense, and emergencies.

15 (b) He shall hold major organization commanders
16 responsible for the training of their commands, and shall issue
17 all orders and instructions for the government of the militia
18 and of the officers, warrant officers, and enlisted personnel
19 therein.

20 (c) He shall make such returns and reports as may be
21 prescribed by the Commander-in-Chief or required by the laws or
22 regulations of the State or of the United States.

23 (d) He shall, subject to the appropriation of funds by the
24 General Assembly for this purpose, order such personnel of the
25 Illinois National Guard into active service of the State as are
26 required by the Commander-in-Chief to support non-emergency

1 functions of the State, including but not limited to National
2 Guard involvement in training exercises conducted in
3 conjunction with the Illinois Emergency Management Agency.
4 Illinois National Guard personnel placed on duty pursuant to
5 this item (d) shall be paid in accordance with the provisions
6 of Sections 48 and 49.

7 (e) The Adjutant General shall be the head of the
8 Department of Military Affairs of the Executive Branch of the
9 government of the State and shall be the Commander of the
10 Illinois National Guard.

11 (Source: P.A. 96-509, eff. 1-1-10; 96-733, eff. 1-1-10.)

12 (20 ILCS 1805/22-9)

13 Sec. 22-9. Power to make grants from the Illinois Military
14 Family Relief Fund. Subject to appropriation, the Department of
15 Military Affairs shall have the power to make grants from the
16 Illinois Military Family Relief Fund, a special fund created in
17 the State treasury, to (i) members of the Illinois National
18 Guard or Illinois residents who are members of the reserves of
19 the armed forces of the United States who have been called to
20 active duty as a result of an emergency declared by the
21 President of the United States or Congress or as defined by
22 administrative rule of the Department ~~the September 11, 2001~~
23 ~~terrorist attacks;~~ (ii) for the casualty-based grant only:
24 Illinois National Guard members or Illinois residents who are
25 members of the reserves of the armed forces of the United

1 States and who, while deployed in support of operations as
2 provided in item (i) of this Section ~~a result of the September~~
3 ~~11th terrorist attacks~~, sustained an injury as a result of
4 terrorist activity; sustained an injury in combat, or related
5 to combat, as a direct result of hostile action; or sustained
6 an injury going to or returning from a combat mission, provided
7 that the incident leading to the injury was directly related to
8 hostile action; this includes injuries to service members who
9 are wounded mistakenly or accidentally by friendly fire
10 directed at a hostile force or what is thought to be a hostile
11 force; ~~and~~ (iii) members of the Illinois National Guard who
12 have been called to State Active Duty for 30 or more
13 consecutive days of duty; and (iv) families of the classes of
14 persons listed in items (i), ~~and~~ (ii), and (iii) of this
15 Section. The Department of Military Affairs shall establish
16 eligibility criteria for all grants by rule.

17 On and after the effective date of this amendatory Act of
18 the 96th General Assembly, the Department must award at least
19 \$5,000 to each recipient of a casualty-based grant and must
20 include Illinois residents who are active duty members of the
21 armed forces of the United States in the eligibility for the
22 casualty-based grant in item (ii) of this Section. Each
23 recipient may receive only one casualty-based grant for
24 injuries received during, or arising out of, the same
25 engagement or incident.

26 Grants awarded from the Illinois Military Family Relief

1 Fund shall not be subject to garnishment, wage levy,
2 forfeiture, or other remedy, unless the denial of that remedy
3 is inconsistent with the requirements of any other State or
4 federal law.

5 In addition to amounts transferred into the Fund under
6 Section 510 of the Illinois Income Tax Act, the State Treasurer
7 shall accept and deposit into the Fund all gifts, grants,
8 transfers, appropriations, and other amounts from any legal
9 source, public or private, that are designated for deposit into
10 the Fund. To prevent a delay of 30 or more days in the payment
11 of casualty-based grants, the Department may use, for
12 administration of the program, as much as 5% of the
13 appropriations designated for the casualty-based grant
14 program.

15 (Source: P.A. 96-822, eff. 11-23-09.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."